

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 18-3390

UNITED STATES OF AMERICA

v.

EDWIN PAWLOWSKI,
Appellant

(E.D. Pa. No. 5-17-cr-00390-001)

Present: AMBRO, KRAUSE and BIBAS, Circuit Judges

Refiling Emergency Motion by Appellant for Release Pending Appeal due to COVID-19 Change of Circumstances.

Respectfully,
Clerk/pdb

ORDER

The foregoing renewed Emergency Motion by Appellant for Release Pending Appeal due to COVID-19 Change of Circumstances is denied, as there is no statutory authority for bail in this case. Specifically, Appellant has not met his burden in proving that his “appeal raises a substantial question of law or fact.” 18 U.S.C. § 3143(b)(1)(B). This denial is without prejudice to Appellant pursuing other relief to which he may be entitled in the District Court in the first instance, such as release under 18 U.S.C. § 3582(c)(1), and which Appellant has indicated he intends to seek. To that end, we will retain jurisdiction over this case, but the District Court would need to make an indicative ruling on any motion for such relief under Federal Rule of Criminal Procedure 37(a). Any further appeal by either party shall be processed by the Clerk of Court on an expedited basis.

By the Court,

s/Thomas L. Ambro
Circuit Judge

Dated: May 4, 2020
Anthony J. Wzorek, Esq
Jack J. McMahon, Jr., Esq.



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk